

Provo City Board of Adjustment
Report of Action
August 18, 2022

Item 1 Paul Evans requests an Appeal of an Administrative Decision by the Planning Commission for approval of signage for Timpanogos Towers, an apartment building located at 1900 N Canyon Road in the Campus Mixed Use (CMU) Zone. Pleasant View Neighborhood. Brandon Larsen (801) 852-6408 jblarsen@provo.org PLABA20220214

The following action was taken on the above-described item by the Board of Adjustment at its regular meeting on August 18, 2022:

Issue 1:

Was Permit PRSG202200497 for an 87 square foot illuminated wall sign on the Timpanogos Towers Apartment issued in error?

**APPEAL IS UNTIMELY AND CANNOT BE HEARD BY BOARD OF
ADJUSTMENT**

Motion By: Andrew Renick

Second By: Jennifer Welch

Votes in Favor of Motion: Maria Winden, Jennifer Welch, and Andrew Renick

On a vote of 3:0, the Board of Adjustment found the appeal untimely and unable to be heard by the Board of Adjustment. Andrew Renick was present as chair.

Issue 2:

Did the Provo City Planning Commission act in error in their review and classification of a sign per Section 14.38.110, Provo City Code, for an apartment building in the CMU (Campus Mixed Use) Zone, located at 1902 N Canyon Road?

APPEAL IS DENIED, PLANNING COMMISSION DECISION IS AFFIRMED

Motion By: Jennifer Welch

Second By: Maria Winden

Votes in Favor of Motion: Maria Winden, Jennifer Welch, and Andrew Renick

On a vote of 3:0, the Board of Adjustment denied the above-noted application and affirmed the decision of the Planning Commission.

Andrew Renick was present as chair.

- Includes facts of the case, analysis, conclusions, and recommendations outlined in the Staff Report with any changes noted. The Board of Adjustment determination is generally consistent with the Staff analysis and determination as amended at the August 18, 2022 meeting.

STAFF PRESENTATION

The Staff Report to the Board of Adjustment provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

Staff put forth new findings and recommendations on the second question, namely that the Planning Commission did not error in their review and classification of the sign, and that they acted according to a reasonable person's standard in their assessment of the question(s) put before them. Staff argued the Planning Commission was reasonable in their determination to apply standards for a specific island or portion of the Campus Mixed Use (CMU) Zone. Staff reminded the Board that the CMU Zone can be applied in diverse regions of the City and it would be potentially unwise to apply sign standards to the entire CMU Zone with this consideration.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair (the applicant), Paul Evans, was present and addressed the Board of Adjustment.
- Mr. Evans argued the timeliness of his appeal, including arguing that when the permit was placed on-hold it basically opened the door for the issuance of the building permit to be appealed. When the Planning Commission acted on June 22, 2022, to assign signage standards to the subject property, and afterward the staff removing the hold, he appealed the Planning Commission decision and the issuance of the permit.
- Mr. Evans requested a continuance of this item considering staff's new findings and recommendations. He asked for more time to evaluate these new findings and recommendations.
- Mr. Evans commented that the sign itself was acceptable but that the Planning Commission process was flawed and should be corrected.

CONCERNS RAISED BY PUBLIC

- No other members of the public spoke at this meeting beside the applicant. Staff received no comments from the public regarding the subject appeal prior to the meeting.

PROPERTY OWNER RESPONSE

- The property owner (building permit applicant) expressed frustration with delays in the process and asserted that he had done everything he could to comply with the requirements of the City. The property owner asked not to be delayed any longer to install the sign when he had followed city processes and permitting.

BOARD OF ADJUSTMENT DISCUSSION

Key points discussed by the Board of Adjustment included the following:

- The Board of Adjustment questioned Staff's amended recommendations and findings.
- Maria Widen stated that she was hesitant to say the Planning Commission acted in error.
- Andrew Renick explained how he did not see a situation where the subject sign is not installed on the building at 1902 N Canyon Road. He did not want to hold up the developer any further.
- The Board agreed with staff's position that the appeal of the building permit was not timely.

DECISION

The Board of Adjustment made two decisions as noted above:

1. On the question of: Was Permit PRSG202200497 for an 87 square foot illuminated wall sign on the Timpanogos Towers Apartment issued in error?

Decision: APPEAL IS UNTIMELY AND CANNOT BE HEARD BY BOARD OF ADJUSTMENT

2. On the question of: Did the Provo City Planning Commission act in error in their review and classification of a sign per Section 14.38.110, Provo City Code, for an apartment building in the CMU (Campus Mixed Use) Zone, located at 1902 N Canyon Road?

Decision: APPEAL IS DENIED, PLANNING COMMISSION DECISION IS AFFIRMED



Board of Adjustment Chair



Development Services Director